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APR 29 2008

In re Application of :
Savage et al. :
Application No. 10/695,507 :
Filed: October 28, 2003 :
Attorney Docket No. 14137.0001 :
For: System for Providing Session-Based :
Network Privacy, Private, Persistent :
Storage, and Discretionary Access Control :
For Sharing Private Data :

OFFICE OF PETITIONS

Decision Refusing Status
Under 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed March 29, 2004.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. No further petition fee is required for the request. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the current non-signing inventor(s). **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

- (1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refused to sign the declaration after having been presented with the application papers (specification, claims, and drawings),
- (2) a proper oath or declaration executed by the available joint inventor(s),
- (3) the required petition fee, and
- (4) the last known address of the non-signing inventor(s).

The instant petition fails to satisfy item (2) above.

The declaration submitted by petitioner is directed to the International Application No. PCT/US02/08275. Petitioner has not submitted a copy of a declaration directed to the instant application.

37 CFR 1.63(d) allows an applicant to file a copy of a declaration from a prior nonprovisional application in a continuation or divisional nonprovisional application. However, 37 CFR 1.63(d) does not permit one to file a copy of a declaration from a prior international application.

Petitioner should file a request for reconsideration and a proper declaration. If inventor Savage or Petro is unavailable to sign the new declaration, petitioner may seek to have the declaration accepted without his signature pursuant to 37 CFR 1.47(a). If both Savage and Petro are unavailable, petitioner may seek to have the declaration accepted without their signatures pursuant to 37 CFR 1.47(b). The request for reconsideration, whether under 37 CFR 1.47(a) or 37 CFR 1.47(b), need not be accompanied by a new petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
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Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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